

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF CHIEF COUNSEL
SEPTEMBER 4, 2018**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED ORDER TO REVIEW ON ITS OWN MOTION, IN THE MATTER OF THE PETITION OF ASOCIACION DE GENTE UNIDA POR EL AGUA AND ENVIRONMENTAL LAW FOUNDATION FOR REVIEW OF REISSUED WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2013-0122 FOR EXISTING MILK COW DAIRIES, ISSUED BY THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (**SWRCB/OCC FILE A-2283(b)**)

DISCUSSION

On October 3, 2013, the Central Valley Regional Water Quality Control Board adopted Reissued Waste Discharge Requirements General Order No. R5-2013-0122 (WDRs) for owners and operators of existing milk cow dairies. Asociacion de Gente Unida Por El Agua and Environmental Law Foundation (Petitioners) timely filed a petition seeking review of the WDRs with the State Water State Water Resources Control Board (State Water Board). Petitioners asked the State Water Board to place the petition in abeyance. On December 14, 2017, Petitioners asked the State Water Board to remove the petition from abeyance and activate it. The petition was determined to be complete on December 21, 2017.

State Water Board regulations require that it take final action on the petition by September 17, 2018. The State Water Board anticipates adopting an order that addresses some of the issues raised in the petition, but not by that date. Therefore, the draft order proposes that the State Water Board review the WDRs on its own motion.

POLICY ISSUE

Should the State Water Board adopt the proposed order to review the WDRs on its own motion?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

If the proposed order is not adopted, the Central Valley Regional Water Quality Control Board would be subject to potential litigation on the WDRs. Adoption of the proposed order may delay the prospect of litigation until the State Water Board adopts an order on the merits.

STAFF RECOMMENDATION

Adopt the proposed order.